

## **STEP ONE: IDENTIFICATION OF NON-ENGLISH LANGUAGE BACKGROUND (NELB) STUDENTS**

### **PURPOSE**

Federal Law and Office for Civil Rights Guidelines require that districts identify all students who have "*limited English proficiency*" (*LEP*). These are students who have a primary or home language other than English and lack the necessary English language skills in one or more of the skill areas--listening, speaking, reading or writing--to do grade-level work. They are entitled to special language, academic and cultural support services to overcome language barriers and to help them succeed in school.

The first step in identifying students with limited English proficiency is to screen all students from a non-English language background (NELB). Although many NELB students have attained a high level of English proficiency and are successful in their academic classes, it is still important for districts to have an initial identification and screening process that identifies *all NELB students*. The ultimate purpose is to identify those NELB students who have limited English proficiency and require specially designed language assistance programs.

A NELB student is one for whom at least one of the following statements is true:

- ◆ the student's *primary (first acquired)* language is other than English, regardless of which language the student now uses most frequently; or
- ◆ the language most often spoken by the student is other than English; or
- ◆ a language other than English is spoken *in the student's home*.

### **PROCEDURES**

The Vermont Department of Education is required by the federal government under Public Law 100-297, Sec. 7032, to collect, analyze and publish data and information *annually* on students with limited English proficiency enrolled in Vermont's public and private schools in grades K-12.

Commissioner Mills (1991) has outlined the *affirmative steps* that schools must take to enable students to overcome language barriers in the classroom. The affirmative steps required include the "identification of all students who are from a non-English language background."

In conjunction with the Vermont Department of Education, the Language & Cultural Affairs Program at UVM's Office of Rural Education administers an *ongoing* Primary/Home Language Survey in all Vermont school districts. The cooperation of school districts with the survey process is essential in collecting data that accurately reflects the population of NELB students in Vermont. It is also a prerequisite for identifying students with limited English proficiency in order to provide them with the appropriate services.

The following procedures are recommended to identify students with limited English proficiency who either enroll as new students or were previously enrolled.

### **Primary/Home Language Survey: New Enrollees**

#### ***Collection of language information***

The first step in identifying students is to survey *all new students* with a *Primary/Home Language Survey form* at the time of registration. A copy of the Vermont survey form is provided in Appendix E, p. 69. It includes questions designed to learn about the student's language background. Translations of the survey form, in some languages, are available from the LCAP upon request.

Individuals responsible for administering the survey to new enrollees should be trained to administer it properly and consistently. They need to understand the legal, linguistic and cultural factors related to administering the primary/home language survey. A courteous and open attitude about communicating with adults or older students who come from diverse cultures and speak English with varying degrees of proficiency is essential.

If the parent/guardian(s) of the student are able to speak English, the purpose of the survey should be explained to them. The purpose of the survey is to make sure that their child's instructional needs, including any need for language assistance, are identified and appropriate services provided. Parents/guardians should be informed of the right of any students learning English as a Second Language to an alternative language program and academic support services under Title VI of the Civil Rights Act. They should also be told that the results of the survey and subsequent screening & placement procedures are not reported to immigration officials.

Parent/guardian(s) of students should be asked to answer the survey questions on the survey form for *each* child they register. In cases where high school students do not have a parent/guardian, they may be asked to answer the survey questions during registration, provided they speak English.

In cases where the parent/guardian(s) or an older student cannot communicate in English well enough to understand or answer the survey questions accurately, the school will need to arrange for an interpreter to help with the explanations and administration of the survey. If communication problems make the completion of the survey impossible at this time, it is recommended that this be done during the formal interview with an interpreter present within 10 days of enrollment. For information re: working with an interpreter/translator and organizations to contact for assistance in locating one, see Appendix E, p. 70.

### ***Interpretation of information & follow-up***

If the parent/guardian answers "English" to *all questions* on the survey, it is probably safe to assume that the student is a monolingual speaker of English and does not need an alternative language program. Be aware, however, of the possible exceptions:

- a child whose primary caregiver speaks a language other than English;
- family members who do not respond accurately because they fear repercussions (e.g., notification of immigration authorities, educational disadvantage or discrimination) if acknowledging national origin or language/cultural background. Some parents believe that a child who receives special services will not learn English as well as if immersed in the regular instructional program all day. Also, some refugees and immigrants have had experiences which make them mistrustful of such questions.

If the school has reason to believe that the survey information is inaccurate, further tactful inquiry or reassurance of the benefit of services to the child may be necessary.

If the answer to any question is a language other than English, the person registering the student contacts the ESL Coordination Team responsible for conducting Step Two, screening of NELB students, and forwards them a copy of the completed survey. The survey form containing information about the student's language background serves as the basis for screening, assessment and placement activities.

### ***Documentation and reporting of language information***

The original survey form remains in the student's file. Copies of all NELB student surveys should be sent to the Language & Cultural Affairs Program at UVM's Office of Rural Education. Every district should keep an annually updated list of NELB students in all schools.

Survey data is essential on the federal, state and local levels for the purpose of identifying ESL students who are in need of specially designed language programs.

### **District-wide Primary/Home Language Survey: Previously Enrolled Students**

The Language & Cultural Affairs Program has worked with districts throughout Vermont to conduct initial surveys of NELB students for seven years now. The district survey is one mechanism for helping the district identify its own ESL population. Many districts have implemented the recommended process and cooperated with the request for data that is necessary at the local, state and federal levels for planning of more effective instructional services.

Districts that have not yet surveyed all previously enrolled students, or who have only students in some of the schools in the district, may lack an understanding or appreciation of the ultimate purpose of the survey. Without formal procedures for identifying and screening *previously enrolled* NELB students, the district's services for ESL students are incomplete.

The most obvious group of NELB students is newly enrolled immigrants or refugees. However, previously enrolled students may also come from a NELB background and have never gone through a proper identification and screening process. Some of them may be participating successfully in the regular instructional program. Others may have fluent English conversational skills but still lack the academic language skills in English which would enable them to learn more successfully in content area classes. These students have often been placed in the regular instructional program without, or with inappropriate, ESL services. They may include:

- a) students born in the U.S. into families who speak languages other than English;
- b) students who have transferred without school records from other districts without school records and are assumed to have fluent English proficiency;
- c) students who started primary school speaking a language other than English and never received special language services because it was assumed that young children will be able to "catch up" if the teacher is sensitive and the child is given the same educational opportunities as English-speaking peers.
- d) students who have been adopted from other countries and may not be identified as NELB students due to change of names and use of English as the home language in the adoptive family.

A common consequence of such misplacement is that the students fall increasingly behind in their language and content studies, and are soon enrolled in compensatory programs for remediation or special education programs. Such placement has been found to be a denial of equal access by numerous court cases.

A school district is required to redress past inappropriate practices and identify recent past non-English language background (NELB) enrollments who might need language development and content area assistance so that they can perform comparable to their English-speaking peers.

Conducting a district-wide survey of all students with a primary/home language other than English is especially important for identifying previously enrolled students who may never have been adequately screened and assessed to determine their level of English proficiency.

For information about implementing a district-wide home language survey process for identifying previously enrolled NELB students in your district, please contact the Title VII Consultant at the Language & Cultural Affairs Program.

**Appendix E**  
**STATE OF VERMONT**  
**PRIMARY/HOME LANGUAGE SURVEY**

**DATE** \_\_\_\_\_

**STUDENT NAME** \_\_\_\_\_ **SCHOOL** \_\_\_\_\_  
(please print)

**DATE OF BIRTH** \_\_\_\_\_ **COUNTRY OF ORIGIN** \_\_\_\_\_

**PERSON WHO CONDUCTED THE SURVEY**

**DIRECTIONS:**

1. Please ask the parent(s) or guardian(s) the following questions about the child(ren) at the time of registration.
2. Please print the responses.
3. If the parent or guardian answers a language other than English for one or more of the questions contact the person(s) in your school who coordinates the initial screening, English proficiency assessment and instructional placement of Non-English Language Background students, and arrange for proficiency diagnosis.

QUESTION	RESPONSE
1. What was the <u>first</u> language your child learned to speak?	
2. What language do you use when speaking to your child?	
3. What language does your child use with brothers and sisters?	
4. What language does your child speak with grandparents, aunts and uncles, cousins, or caregivers?	
5. What language does your child speak with friends and neighbors outside the home?	

## **Appendix E**

### **RESOURCES FOR WORKING WITH AN INTERPRETER/TRANSLATOR**

#### **REFERENCE MATERIALS**

The following materials discuss important issues regarding using interpreter/translator services in educational settings. It is recommended that educators familiarize themselves with issues such as choosing an interpreter/translator, essential skills, confidentiality.<sup>6</sup> Signed parental consent may be needed if personally identifiable information will be discussed. Interpreters should also be made aware of confidentiality issues.

Fradd, S.H. & Wilen, D.K. (1990). Using Interpreters and Translators to Meet the Needs of Handicapped Language Minority Students and Their Families. *Program Information Guide No. 4*. Washington, DC: National Clearinghouse for Bilingual Education.

Fradd, S.H., Larrinaga McGee, P. with Wilen, D.K. (1994). Advocacy in the Assessment Process. In *Instructional Assessment: An Integrative Approach to Evaluating Student Performance* (pp. 352-358). Reading, MA: Addison-Wesley.

Paredes Scribner, A. (1993). The Use of Interpreters in the Assessment of Language Minority Students. *The Bilingual Special Education Perspective*. 12, 2.

#### **CONTACTS**

Ideally, an interpreter or translator will come from the same language *and cultural* group as the student. For example, a French-Canadian interpreter for a child from French-speaking Canada. There are several ways to contact a potential interpreter or translator:

1. Contact the American Red Cross Language Bank.

##### ***American Red Cross Language Bank***

Northern Vermont Chapter  
29 Mansfield Avenue  
Burlington, VT 05401

Contact: Angela Russell  
TEL: (802) 658-6400 or  
1-800-843-3509

The Language Bank is a 24-hour volunteer interpreter service which is mainly intended to provide emergency services. Volunteers may request payment for more involved assignments. Forty-eight languages are spoken by interpreters/translators.

2. Contact foreign language teachers at the public school level.
3. Contact the foreign language department at a nearby university or college to find out if faculty or students can assist.

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<sup>6</sup>Although some of these materials are written with a special education audience in mind, they include information which could be generally applicable to using interpreters/translators in other situations.

4. Contact the international student program at a nearby university or college to find out if faculty or students can assist.

These programs can act as a referral point for schools looking for interpreters/translators of less commonly spoken languages. This is done on an ad hoc basis, when other resources cannot be found.

***International Education Services***

Living & Learning Center B-161  
University of Vermont  
Burlington, VT 05405

TEL: (802) 656-4296

***Center for International Programs***

Saint Michael's College  
Winooski Park  
Colchester, VT 05439

TEL: (802) 654-2300

***Language & Culture Center***

School for International Training  
Kipling Road, Box 676  
Brattleboro, VT 05301

TEL: (802) 258-3344 or

TEL: (802) 257-7751 (switchboard)

5. Contact a refugee assistance program, cultural organization or community resource. Refugee resettlement, cultural, and community organizations that can be contacted about interpreting/translating services are listed in Appendix B, p. 32. Depending on the nature of the request, interpreters/translators working for these programs may or may not request payment.
6. Contact the LCAP if you are still having difficulty finding an interpreter/translator for a less commonly spoken language.
7. Other potential resources for locating an interpreter/translator for less formal assignments:
  - ◆ relatives or sponsors of refugee or immigrant families
  - ◆ parents, students, or community members from the same language or cultural group